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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/983,848 04/29/93 YAMAMOTO

ESM1/1004

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K	TTAPCT2
EXAMINER	

BEN, L

ART UNIT	PAPER NUMBER
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2507

DATE MAILED:

10/04/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input checked="" type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-5 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-3 are rejected.
5. ☒ Claims 4 and 5 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☒ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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The disclosure is objected to because of the following informalities:

In the specification

Page 14: on line 18, "31" should be --23--; and on line 23, "34" should be 31.

In the claims

In claim 1: on line 5, before "the", --controlling-- should be inserted.

In claim 5: on line 12, "means" should be replaced with --lens--. Appropriate correction is required.

The drawings are objected to because they contain informalities as indicated in P10-948 attached herewith. In addition, Fig. 13 should be labeled --PRIOR ART--. Correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 3 are rejected under 35 U.S.C. § 102(a) as being anticipated by JP No. 4-107411.

As now worded, claims 1 and 3 read on JP No. 4-107411 (see fig. 1).

It is to be pointed out that in the rejection, the signal

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processor 14 of the above fig. 1 is considered to correspond to the control unit 13 (or 213) of the present invention.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over JP No. 4-107411.

The above patent teaches the invention substantially as claimed, ^{in claim 2} except for the arrangement of the lamps.

Insofar as understood, the arrangement does not matter. What matter is the capability of illuminating the area of the object to be observed. With either of the two arrangements - the arrangement as now claimed in claim 2, and that illustrated in fig. 1 of JP No. 4-107411 - the illumination does not affect the reading or observation. Thus, it is fair to opinion that neither arrangement carries a weight over the other in terms of

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patentable subject matter.

Claim 1 is rejected under 35 U.S.C. § 103 as being unpatentable over Birkle.

Birkle teaches the invention substantially as claimed in claim 1, except for the light source lamp.

The light source utilized in Birkle is not in the form of a lamp, rather in the form of optical fibers are nothing less than a recognized art equivalent of the lamp.

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (703) 308-0956.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-4820.


LOHA BEN
PRIMARY EXAMINER
GROUP 250

Ben/az
September 29, 1993